

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 MATHEW W. PILE, WSBN 32245  
4 Associate General Counsel  
5 Office of Program Litigation, Office 7  
6 Social Security Administration  
7 NOAH SCHABACKER, Maryland Bar  
8 Special Assistant United States Attorney  
9 6401 Security Boulevard  
Baltimore, Maryland 21235  
Telephone: (303) 844-6232  
E-Mail: Noah.Schabacker@ssa.gov  
Attorneys for Defendant

10  
11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**

13 ARACELI MEZA, ) Case No.: 2:23-cv-01967-JDP  
14 vs. )  
15 MARTIN O'MALLEY, ) STIPULATION AND ~~PROPOSED~~ ORDER  
Commissioner of Social Security,<sup>1</sup> ) FOR AN EXTENSION OF TIME  
16 Defendant. )  
17 \_\_\_\_\_)

18  
19 Pending the Court's approval, IT IS HEREBY STIPULATED, by and between the  
20 parties, through their respective counsel of record, that the time for Defendant to respond to  
21 Plaintiff's Motion for Summary Judgment be extended thirty (30) days from January 16, 2024,  
22 up to and including February 15, 2024. This is the Defendant's first request for an extension.

23 Based on his review of the record, undersigned counsel requires additional time to  
24 explore settlement options.  
25

26 <sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023.  
27 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be  
28 substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to  
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42  
U.S.C. § 405(g).

1 Undersigned counsel was assigned this matter on December 21, 2023. Since that time,  
2 undersigned counsel:

3 • Was out of the office for two federal holidays;  
4 • Filed two district court matters;  
5 • Negotiated settlements in five attorney fee matters;  
6 • Filed a brief objecting to a request for attorney fees;  
7 • Has been training a new attorney who joined the office on December 4, 2023;  
8 • Assisted another attorney who was out of the office; that attorney is training  
9 another new attorney. That new attorney unexpectedly required additional  
10 assistance during the last three weeks.

11 These circumstances prevented undersigned counsel from reviewing the record earlier.

12 Defendant apologizes to the Court for any inconvenience caused by this delay.

13 Undersigned counsel contacted Plaintiff's counsel on January 8, 2024, and he had no objection to  
14 this request.

15 The parties further stipulate that the Court's Scheduling Order shall be modified  
16 accordingly.

17 Respectfully submitted,

18 Dated: January 8, 2024

/s/ *Francesco P. Benavides\**  
(\*as authorized via e-mail on January 8, 2024)  
FRANCESCO P. BENAVIDES  
Attorney for Plaintiff

21 Dated: January 8, 2024

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Social Security Administration

25 By: /s/ *Noah Schabacker*  
NOAH SCHABACKER  
Special Assistant U.S. Attorney  
26 Attorneys for Defendant

## **ORDER**

Pursuant to the parties' stipulation, IT IS SO ORDERED that Defendant shall have an extension, up to and including February 15, 2024, to respond to Plaintiff's Motion for Summary Judgment.

IT IS SO ORDERED.

Dated: January 9, 2024

Jeremy D. Peterson  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE